

## STATE OF VERMONT

## HUMAN SERVICES BOARD

In re ) Fair Hearing No. 14,361

)

Appeal of )

)

INTRODUCTION

The petitioner appeals the decision by the Department of Social Welfare denying his application for Medicaid. The issue is whether the petitioner is disabled within the meaning of the pertinent regulations.

FINDINGS OF FACT

The petitioner is a forty-six-year-old single man with a high school education. His primary work experience is as a truck, bus, and cab driver. He last worked in December, 1995, when increasing vision problems impaired his ability to drive.

The petitioner has been diagnosed as having a retinal detachment of his right eye, which has left him virtually blind in that eye. With glasses, the petitioner's left eye vision is normal. The petitioner also has a history of low back pain and problems with his right knee. These problems have been diagnosed as being primarily due to excess weight and deconditioning.

To his credit, it appears that the petitioner has actively sought alternative employment and retraining; although his efforts so far have been unsuccessful. The medical evidence indicates, however, that he is physically and mentally able to perform most tasks that do not require binocular vision or heavy lifting. There appear to be no limits on his ability to sit or stand for extended periods of time. Although his vision problems preclude his returning to his past driving jobs, considering the petitioner's age, education, and work experience, there appears to be a wide range of jobs available in the national economy that the petitioner could perform given his medical limitations.<sup>(1)</sup>

ORDER

The Department's decision is affirmed.

REASONS

Medicaid Manual Section M 211.2 defines disability as follows:

Disability is the inability to engage in any substantial gainful activity by reason of any medically determinable physical or mental impairment, or combination of impairments, which can be expected to result in death or has lasted or can be expected to last for a continuous period of not fewer than twelve (12) months. To meet this definition, the applicant must have a severe impairment, which makes him/her unable to do his/her previous work or any other substantial gainful activity which exists in the national economy. To determine whether the client is able to do any other work, the client's residual functional capacity, age, education, and work experience is considered.

In this case the medical evidence indicates that the petitioner retains the residual functional capacity to perform a wide range of jobs that do not require binocular vision or heavy physical exertion.<sup>(2)</sup> Given the petitioner's relatively young age, his high school education, and his work history, it must be concluded that the petitioner does not meet the above definition of disability. The Department's decision is, therefore, affirmed.

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1. A recent decision from the Social Security Administration upholding the denial of disability benefits cited the testimony of a vocational expert who identified the following examples of jobs the petitioner could perform: small parts assembler, security guard, ticket taker, clerk/receptionist, and small product packager.
2. The hearing was continued for several months to allow the petitioner to submit updated medical reports. None of these reports substantiated any limitations beyond those described above.